

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FRANKLIN BUONO, :  
: :  
: Plaintiff :  
: :  
v. :  
: :  
POSEIDON AIR SYSTEMS, VICTORY AUTO : Civil Action No. 7:17-cv-05915 (PMH)  
STORE, INC., VICTORY AUTO STORES, INC. :  
d/b/a POSEIDON AIR SYSTEMS, :  
WORTHINGTON INDUSTRIES, INC., AND : **NOTICE OF MOTION FOR**  
TYCO FIRE PRODUCTS LP, : **SUMMARY JUDGMENT**  
: :  
: Defendants. :  
: :  
----- X  
TYCO FIRE PRODUCTS LP, :  
: :  
: Third-Party Plaintiff :  
: :  
v. :  
: :  
OPRANDY'S FIRE & SAFETY INC., :  
: :  
: Third-Party Defendant. :  
: :  
----- X

**PLEASE TAKE NOTICE**, that upon the accompanying Memorandum of Law, dated March 24, 2021, the Declaration of James Kirkpatrick, dated March 24, 2021, with exhibits annexed thereto, and the Rule 56.1 statement of undisputed material facts (ECF No. 170-1), defendant TYCO FIRE PRODUCTS, LP (“Tyco”), through undersigned counsel, moves this Court, before Hon. Philip M. Halpern in Room 520 of the United States District Court, 300 Quarropas Street, White Plains, New York, 10601,<sup>1</sup> in accordance with Local Rule 56.1 of the

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<sup>1</sup> Pursuant to the Southern District of New York’s March 12, 2020, order, Hon. Philip M. Halpern is temporarily sitting in the Daniel Patrick Moynihan Courthouse in Manhattan until further notice by the Court.

Southern and Eastern Districts of New York and the Individual Practice Rules of the Hon. Philip M. Halpern, U. S. District Court Judge, for an Order pursuant to Federal Rule of Civil Procedure 56 awarding Tyco summary judgment, because there is no genuine issue of material fact as to all of Plaintiff's causes of action against Tyco (negligence, breach of warranty, and strict product liability), and for such other and further relief as this court deems just.

Pursuant to the Court's Individual Practice in Civil Cases 4(L), Tyco intends to submit a letter requesting oral argument at the time of filing.

Dated: March 24, 2021  
Washington, D.C.

Respectfully submitted,



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*Attorneys for Tyco Fire Products LP*

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**All counsel of record** (via ECF)